



# Exclusion Policy

**Approved by:** FGB **Date:** Sept 22

**Last reviewed on:** Jan 2023

**Next review due by:** Jan 2024

**Dissemination of the Policy:** All staff and Governors, School Website

## History of policy changes

Date	Version	Change	Origin of change e.g. change in legislation, request by TU	Changed by

## **Purpose and aim of the policy and procedures**

This policy is underpinned by the commitment of all at Pittville School to ensure the safety and well-being of the whole school community and to maintain an appropriate educational environment in which all can learn and achieve. Pittville School is committed to being a fully accessible and inclusive school. We have an overall aim of reducing the need to use exclusion as a sanction.

## **Introduction**

The Headteacher can exclude a pupil on disciplinary grounds. A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. A fixed period exclusion does not have to be for a continuous period. In exceptional cases, usually where further evidence has come to light, a fixed period exclusion may be extended or converted to a permanent exclusion.

The decision to exclude a pupil will be taken by the Headteacher in the following circumstances:-

- (a) In response to a serious breach of the School's Behaviour Policy;
- (b) If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

Exclusion is an extreme sanction and is only used by the Headteacher (or, in the absence of the Headteacher, the Deputy Headteacher who is acting in that role).

Before deciding whether to exclude a pupil either permanently or for a fixed period the Headteacher will ensure appropriate investigations have been carried out, considering all the evidence available.

Exclusion, whether fixed term or permanent may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the School's Behaviour Policy:

- Persistent disruptive behaviour
- Verbal abuse to Staff and others
- Verbal abuse to pupil
- Physical abuse to/attack on Staff
- Physical abuse to/attack on pupil
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs or other substances including supplying
- Theft
- Serious actual or threatened violence against another pupil or a member of staff
- Sexual abuse or assault
- Carrying an offensive weapon.
- Arson
- Racist, homophobic or discriminatory abuse of another pupil or member of staff
- Bringing the school into disrepute

- Unacceptable behaviour which has previously been reported and for which School sanctions and other interventions have not been successful in modifying the pupil's behaviour.

This is not an exhaustive list and there may be other situations where the Headteacher makes the judgment that exclusion is an appropriate sanction.

### **Exclusion procedure**

- Most exclusions are of a fixed term nature and are of short duration (usually between one and five days).
- The DfE regulations allow the Headteacher to exclude a pupil for one or more fixed periods not exceeding 45 school days in any one school year.
- Where exclusion is being considered the Assistant Headteacher (Pastoral), or Head of House in the absence of the AHT, will collate the appropriate information, including statements from all involved (where possible) and present these to the Headteacher (or Deputy in the Headteacher's absence) for consideration prior to making a decision to exclude.
- As far as it is possible, the pupil/s being excluded will be given the opportunity to give a written statement detailing their version of events prior to the decision to exclude being made. However, it should be noted that this is not always possible, especially where a pupil has refused to cooperate with staff or to follow instructions - the absence of a statement from a pupil being excluded or the refusal to provide such a statement should not prevent a decision to exclude from being made.
- When establishing the facts in relation to an exclusion decision the Headteacher will apply the civil standard of proof, i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt'.
- Following the decision to exclude parents/carers should be contacted as early as possible by a member of SLT or a senior member of staff as directed by the Headteacher.
- A letter will be sent by post giving details of the exclusion and the date the exclusion ends. It is the responsibility of the Headteacher and the Assistant Headteacher (Pastoral) to ensure that the relevant information needed for this letter is passed on to the appropriate member of the admin team.
- Parents/carers will be notified in the letter that they have a right to make representations to the Governing Body and other named organisations as set out in the 2012 DfE guidance - [Exclusion from maintained schools, Academies and pupil referral units in England](#).
- A 'return from exclusion' meeting will be held following the expiry of the fixed term exclusion and this will involve the pupil, parent/carer, members of the Pastoral Team, and where appropriate, a member of SLT. Other staff and colleagues from other agencies may also attend as appropriate.
- Any return from exclusion represents an expectation of very good behaviour in the future and so justifying a return to school. Pupils will not be allowed to return to lessons until this meeting has taken place. Should parents fail to attend a return from exclusion meeting the pupil will be required to work in isolation until such time as the meeting has been held.

- It is school practice to monitor behaviour and work of the pupil very closely for the period following exclusion. This may mean the use of a report card or behaviour plan, or close support by staff.
- Where there is a pattern of Fixed Term Exclusions which identify the pupil as being at risk of Permanent Exclusion, a Pastoral Support Plan may be drawn up, including a referral to the Educational Psychologist if appropriate.
- During the course of a fixed term exclusion where the pupil is to be at home, parents/carers are advised that the pupil is not allowed on the school premises, and that daytime supervision is their responsibility, as parents/carers.
- School will provide appropriate work for the excluded pupil. This will be available for collection by a parent/carer from reception within a reasonable timeframe. Where work cannot be collected the parent/carer should inform school so that alternative arrangements can be made to send the work home. For exclusions of five days or less, completed work should be brought into school at the 'Return from Exclusion' meeting. This work will then be passed on to subject teachers for marking. For exclusions of more than five days, all work completed during the first five days should be returned to reception by a parent/carer so it can be passed on to subject teachers for marking.

### **Fixed term exclusions over five days**

According to DfE guidance school is obliged to provide full time education from the sixth day of any period of fixed term exclusion of six days or longer.

The school will consult with the LA officers for any exclusion of more than five days in order that appropriate full time education and transport is arranged.

The school will provide education by working with:

- Alternative provision school
- The Local Authority

The school will liaise with the outside education provider to ensure that the pupil continues with their programme of study. In most cases the school will set the work to be completed and ensure that it is completed appropriately.

Pittville School has links with a number of Alternative Provision Schools and may direct pupils off-site for education, to help improve their behaviour as is necessary. This may be used as an alternative to exclusion or be put in place as part of a package of support for a pupil returning to school from an exclusion.

### **Permanent Exclusion**

DfE guidance states that permanent exclusion should only be used as a last resort, in response to a serious breach, or persistent breaches, of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

The decision to exclude a pupil permanently is a very serious one. There are two main types of situation in which permanent exclusion may be considered.

The first is a final, formal step in a concerted process for dealing with disciplinary issues following the use of a wide range of other strategies, usually involving a Pastoral Support Plan, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include, for example, persistent and repeated defiance of school rules; persistent and repeated

disruption of learning; persistent and repeated bullying (which could include racist or homophobic bullying); repeated possession and or use of an illegal drug on school premises.

The second is where there are exceptional circumstances and it is not appropriate to implement other strategies (or these strategies are already in place but the incident is so serious that it should be considered on its own) and where it could be appropriate to permanently exclude a pupil for a 'one off' offence. These might include:

- Serious actual or threatened violence against another pupil or a member of staff.
- Sexual abuse or assault.
- Supplying an illegal drug.
- Carrying an offensive weapon\*.
- Arson.

The School will consider police involvement for any of the above offences.

\* Offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him."

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and well being of the School.

### **Exercise of discretion**

In reaching a decision, the Headteacher (or Deputy) will always look at each case on its own merits. Therefore, a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate.

The Headteacher will be mindful that the decision to exclude a pupil must be lawful, rational, reasonable, fair and proportionate. School has a statutory duty, under the Equalities Act 2010, not to discriminate against pupils on the basis of protected characteristics, such as disability or race. The Headteacher should give particular consideration to the fair treatment of pupils from groups who are vulnerable to exclusion. This includes: pupils with SEND; pupils eligible for Free School Meals; looked after children; and pupils from certain ethnic groups. The ethnic groups with the highest rates of exclusion are: Gypsy / Roma; Travellers of Irish Heritage; and Black Caribbean communities.

The Headteacher and must take account of their statutory duties in relation to special educational needs (SEND) when administering the exclusion process. This includes having regard to the SEND Code of Practice.

In considering whether permanent exclusion is the most appropriate sanction, the Headteacher will consider the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the School's Behaviour Policy and the effect that the pupil remaining in the School would have on the education and welfare of other pupils and staff.

In line with its statutory duty, these same tests of appropriateness will form the basis of the deliberations at a Governors exclusion appeals hearing/meeting, when it meets to consider the Headteacher's decision to exclude.

## **Alternatives to Exclusion**

The School works closely with other local secondary schools to undertake managed moves where such a course of action would be of benefit both to the pupil and the two schools concerned. However, the threat of a permanent exclusion will never be used as the means to persuade parents/carers to move their son/daughter to another school

## **Behaviour Outside School**

The behaviour of pupils outside school can be considered as grounds for exclusion. This will be a matter of judgement for the Headteacher in accordance with the school's Behaviour Policy and in line with DfE guidance as set out in Behaviour and discipline in schools - Advice for headteachers and school staff January 2016.

## **Drug Related Exclusions**

In making a decision on whether or not to exclude for a drug-related offence the Headteacher will have regard to the school's Drug Education & Dealing with Drug Related Incidents Policy.

## **Monitoring, Evaluation and Review**

This policy will be reviewed annually to ensure compliance. This policy review will be undertaken by the Headteacher or nominated representative.

## **Linked Documents**

[Exclusion from Maintained Schools, Academies and Alternative Provision Schools - A guide and information for Head teachers in Gloucestershire September 2015](#)

[Exclusion from maintained schools, Academies and pupil referral units in England](#)

[A guide for those with legal responsibilities in relation to exclusion](#)

[Behaviour and discipline in schools - Advice for headteachers and school staff January 2016](#)

[Exclusion from maintained schools, Academies and pupil referral units in England.](#)

[Equality Act 2010](#)

Drug Education & Dealing with Drug Related Incidents Policy

Behaviour Policy

SEND Policy

SEND Code of Practice

Safeguarding Policy